



**Before The  
State of Wisconsin  
DIVISION OF HEARINGS AND APPEALS**

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In the Matter of the Wisconsin Pollutant Discharge  
Elimination System Permit No. WI-0021695-09-0  
(WPDES Permit) Re-issued to the Village of Twin  
Lakes

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Case No. DNR-12-068

**NOTICE OF TELEPHONE PREHEARING CONFERENCE**

On July 31, 2012, the Department of Natural Resources (DNR) reissued WPDES Permit No. WI-0021695-09-0 to the Village of Twin Lakes.

On May 23, 2013, Twin Lakes Village Administrator Jennifer Pollitt and Attorney Michael P. Screnock, on behalf of the Village of Twin Lakes, filed a Petition for Review with the DNR to review the reasonableness of and necessity for certain terms and conditions in the permit. Section III of the petition requests a hearing on the matter.

By letter dated March 6, 2013, the DNR issued a partial grant of the request for hearing pursuant to Wis. Stat. §§ 283.63 and limited the hearing to the following issues:

1. Taking into account the receiving waters impacted by the thermal discharge from Twin Lakes, was the Department's decision to include a temperature limitation and related compliance schedule in the permit unreasonable? Are the numeric values of the seasonal temperature limits in s. 3.2.1 unreasonable?
2. Is it unreasonable for the DNR to include temperature limits in the permit when the costs of compliance are unknown?
3. Taking into account the receiving waters impacted by the phosphorus discharge from Twin Lakes, was the DNR's decision to include interim phosphorus limitations and a phosphorus compliance schedule unreasonable?
4. Is it improper for the DNR to include interim phosphorus limitations and a phosphorus compliance schedule if the DNR does not have regulations in place regarding pollutant trading or adaptive management, and if the permittee may not have the treatment capability to meet the phosphorus water quality based effluent limitations?

On December 4, 2015, the Division of Hearings and Appeals received a Request for Hearing from the DNR regarding the Petition.

**NOTICE IS HEREBY GIVEN** that the State of Wisconsin Division of Hearings and Appeals will initiate a **telephone prehearing conference** on the above matters pursuant to Wis. Stat. §§ 227.42, 283.31, 283.63 and Wis. Admin. Code chs. NR 102 and 106 on **March 1, 2016, at 10:00 A.M.** Any person, organization or governmental unit wishing to become a party to this proceeding must appear at the conference in person or by an authorized representative. **To so participate, said persons must write to the Division of Hearings and Appeals, at least three days before the telephone prehearing conference, in care of the undersigned and indicate a phone number where they can be reached at the above mentioned time.** If necessary, the purpose of the prehearing conference will be to identify parties to the proceeding, to simplify the issues which may be contested at the hearing, establish a discovery schedule and set a date for hearing. No testimony will be heard at the prehearing conference; however, a date may be set for the hearing on the merits at the conference.

When the hearing is held it will be a Class 1 contested case pursuant to Wis. Stat. § 227.01(3)(a) and the fair play provisions of Wis. Stat. ch. 227 will apply. The procedures relating to contested cases set forth in Wis. Admin. Code ch. NR. 2 will be followed. The procedure that will be followed at the public hearing will closely resemble that normally followed at a court hearing. All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing.

The permits, petitions and other information relating to the petitioner are on file and may be inspected and copied at the offices of the Department of Natural Resources, 101 South Webster Street, Madison, Wisconsin, between the hours of 9:00 a.m. and 3:30 p.m., Monday through Friday, holidays excepted. Copies of documents on file for the applicant may be obtained by writing to the Department of Natural Resources, WPDES Permit Section, P.O. Box 7921, Madison, Wisconsin, 53707-7921. Reasonable costs will be charged for copies of all information excluding public notices and fact sheets.

Pursuant to the Americans With Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call the Division of Hearings and Appeals at (608) 266-3865 with specific information on your request prior to the date of the scheduled prehearing or hearing.

Dated at Milwaukee, Wisconsin on January 19, 2016.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
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By

  
ERIC D. DÉFORT  
ADMINISTRATIVE LAW JUDGE